

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESLIE MARTIN,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:21-cv-00365-RCJ-CSD

ORDER

I. DISCUSSION

On September 25, 2023, the Defendants filed a suggestion of death stating that Plaintiff, a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has died. (ECF No. 15.) The Court had previously issued a screening order that stayed the case to give the parties an opportunity to settle their dispute. (ECF No. 13.)

Pursuant to Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution within 90 days of the date of this order, this case will be subject to dismissal.

II. CONCLUSION

For the foregoing reasons, it is ordered that if there is no motion to substitute filed within 90 days, this motion will be subject to dismissal.

DATED THIS 28th day of September 2023.


UNITED STATES MAGISTRATE JUDGE